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Attorneys for Plaintiff
XIMPLEWARE CORP.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

XimpleWare Corp., a California Corporation.

Plaintiff;

V.

Versata Software, Inc., f/k/a Trilogy Software, Inc., a Delaware corporation; **Trilogy Development Group, Inc.**, a California corporation; **Ameriprise Financial, Inc.**, a Delaware corporation; **Ameriprise Financial Services, Inc.**, a Delaware corporation; **Aurea Software, Inc., a/k/a Aurea, Inc.**, a Delaware corporation; **Pacific Life Insurance Company**, a Nebraska corporation; **United HealthCare Services, Inc.**, a Minnesota corporation; **Metropolitan Life Insurance Company**, a New York corporation; **The Prudential Insurance Company of America**, a New Jersey corporation; **Wellmark, Inc.**, an Iowa corporation; **Waddell & Reed Financial, Inc.**, a Delaware corporation; and **Aviva USA Corporation**, an Iowa corporation,

Defendants.

Case No. 5:13-cv-05161 PSG

**STIPULATION AND [PROPOSED] ORDER TO
CONTINUE HEARING ON DEFENDANTS AVIVA
USA CORP.'S, METROPOLITAN LIFE INS.
CO.'S, PACIFIC LIFE INSURANCE CO.'S, AND
WELLMARK INC.'S MOTION FOR SANCTIONS
UNDER FED. R. CIV. P. RULE 11.**

Date: December 2, 2014
Time: 10:00 A.M.
Location: Courtroom 5-4th Floor
Judge: Hon. Paul S. Grewal

STIPULATION TO CONTINUE HEARING DATE

This Stipulation is entered into by Plaintiff XimpleWare, Corp. and Defendants United Healthcare Services, Inc., Waddell and Reed Financial, Inc., Pacific Life Insurance Co., The Prudential Insurance Company of America, Wellmark, Inc., Aviva USA Corp., Versata Software, Inc., Trilogy Development Group, Inc., and Aurea Software, Inc., by their respective counsel.

RECITALS

7 WHEREAS Defendants Aviva USA Corp.'s, Metropolitan Life Ins. Co.'s, Pacific Life
8 Insurance Co.'s, and Wellmark Inc.'s Motion for Sanctions Under Fed. R. Civ. P. Rule 11 (Dkt.
9 130, 141) is currently specially set for hearing in the U.S. District Court of the Northern District
10 of California for December 2, 2014 at 9:00 A.M.

11 WHEREAS Jack Russo, counsel for Plaintiffs, will be unavailable on December 2, 2014;
12 Mr. Russo's father passed away this week and Mr. Russo will be in Florida with his family on the
13 week of December 2, 2014.

14 WHEREAS the parties jointly request that the motion hearing date be reset to December
15 9, 2014 at 9:00 A.M.

16 THEREFORE, counsel for the above mentioned parties stipulate to continue the date of
17 hearing on Defendants Aviva USA Corp.'s, Metropolitan Life Ins. Co.'s, Pacific Life Insurance
18 Co.'s, and Wellmark Inc.'s Rule 11 Motion for Sanctions, currently set for December 2, 2014 at
19 9:00 A.M., to December 9, 2014 at 9:00 A.M.

20 IT IS SO STIPULATED.

1 COMPUTERLAW GROUP, LLP
2

Dated: November 25, 2014 By: /s/ Christopher Sargent
3 Jack Russo
Christopher Sargent

4 Attorneys for Plaintiff
5 XIMPLEWARE CORP.
6

AHMAD, ZAVITSANOS, ANAIPAKOS,
ALAVI & MENSING, P.C.
7

Dated: November 25, 2014 By: /s/ Benjamin F. Foster
8 Alisa Lipski
9 Amir Alavi
Benjamin F. Foster
10

11 Attorneys for Defendants
12 PACIFIC LIFE INS., CO.
METROPOLITAN LIFE INS., CO.
WELLMARK, INC.
13 THE PRUDENTIAL INS. COMPANY OF
AMERICA
14 AVIVA USA, CORP.
VERSATA SOFTWARE, INC.
TRILOGY DEVELOPMENT GROUP, INC.
AUREA SOFTWARE, INC.
15
16

17 **[PROPOSED] ORDER**

18 IT IS ORDERED that the hearing on Defendants Aviva USA Corp.'s, Metropolitan Life
19 Ins. Co.'s, Pacific Life Insurance Co.'s, and Wellmark Inc.'s Motion for Sanctions under Fed. R.
20 Civ. P. Rule 11 be continued to December 9, 2014 at 10:00 A.M.
21

22 Dated: _____

23 _____
The Honorable Paul S. Grewal
24 United States Magistrate Judge
25
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ATTORNEY ATTESTATION

Pursuant to Local Rule 5-1(i)(3), I hereby attest that concurrence in the filing of this document has been obtained from the signatory indicated by a ‘conformed’ signature (/s/) within this e-filed document.

Dated: November 25, 2014

/s/ Christopher Sargent
Christopher Sargent